



Signed and Filed: November 29, 2016

A handwritten signature in black ink, appearing to read "Hannah L. Blumenstiel".

HANNAH L. BLUMENSTIEL
U.S. Bankruptcy Judge
UNITED STATES BANKRUPTCY COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 16-31032 HLB
JONATHAN MAYER DEROVAN,) Chapter 13
Debtor.)

ORDER DENYING MOTION FOR RELIEF FROM STAY AND VACATING HEARING

This matter is before the court on a Motion for Relief from Stay (the "Motion") filed by creditor Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity, but solely as trustee for BCAT 2014-12TT ("Movant"). Movant asks the court to grant relief from stay with respect to real property located at 225 Montura Way, Novato California 94949 (the "Property"). Movant asserts it is entitled to the relief requested pursuant to 11 U.S.C. § 362(d)(1) for cause based on Debtor's alleged failure to make ongoing mortgage payments; and pursuant to 11 U.S.C. § 362(d)(4), alleging that the filing of the bankruptcy petition was part of a scheme to hinder, delay, or defraud creditors that involved the filing of multiple bankruptcy petitions affecting the Property.

1 The Court **DENIES** the request for relief pursuant to 11
2 U.S.C. § 362(d)(1) as moot because there is no stay in effect.
3 The automatic stay expired as a matter of law on October 23,
4 2016, as the court confirmed in its November 3, 2016 Order
5 Denying Motion to Extend Automatic Stay as to Creditor
6 Wilmington Savings and Fund Society, FSB. [Dkt no. 28.] The
7 court also **DENIES** the request for relief pursuant to 11 U.S.C.
8 § 362(d)(4) for lack of evidence sufficient to prove a scheme
9 to hinder, delay, or defraud creditors. The Motion having been
10 denied in its entirety, the court hereby **VACATES** the December
11 1, 2016 hearing on the Motion.

12 ****END OF ORDER****

Court Service List

[None]